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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,054	12/02/2003	David Johnston	884.B57US1	2615
21186	7590	09/22/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,054

Applicant(s)

JOHNSTON D

Examiner

Sheila B. Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/2/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-23 rejected under 35 U.S.C. 102(e) as being anticipated by Bartlett et al. (U. S. Patent Publication Number 2004/0054471).

Regarding claim 1, Bartlett et al. discloses essentially all the claimed invention as set fourth in the instant application, further Bartlett et al. discloses system, tag tracking. In addition Bartlett et al. discloses a method, comprising: coupling a plurality of receivers to a first frequency reference to communicate with a first station over a corresponding plurality of signal paths (which reads on paragraphs 0002-0013); and selectively coupling one of the plurality of receivers to a second frequency reference to communicate with a second station over a signal path not included in the plurality of signal paths (which reads on ‘re-reference the signals received by the base stations to a common reference clock signal.” paragraphs 0012).

Regarding claim 2, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses determining whether a quality of service provided by the second station is greater than a quality of service provided by the first

station (paragraphs 0002-0013).

Regarding claim 3, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the quality of service provided by the first station includes at least one of a network type, a network capability, a network activity level, a signal strength, a bandwidth, a signal-to-noise ratio, a signal-to-interference ratio, a multipath condition, a service provider, a monetary cost, user-preferred information, and a user-preferred service (paragraphs 0002-0013).

Regarding claim 4, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses adjusting the first frequency reference to provide a reference frequency substantially equal to a reference frequency provided by the second frequency reference (paragraphs 0002-0013).

Regarding claim 5, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses handing off communications between the first station and the plurality of receivers from the first station to the second station after determining that a quality of service provided by the second station is greater than a quality of service provided by the first station (paragraphs 0002-0013).

Regarding claim 6, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses selectively coupling another one of the

plurality of receivers to a third frequency reference to communicate with a third station over another signal path not included in the plurality of signal paths (paragraphs 0002-0013).

Regarding claim 7, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses adjusting the second frequency reference to provide a new reference frequency; and communicating with a new station using a new signal path not included in the plurality of signal paths (paragraphs 0002-0013).

Regarding claim 8, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a machine-accessible medium having associated data, wherein the data, when accessed, results in a machine performing: coupling a plurality of receivers to a first frequency reference to communicate with a first station over a corresponding plurality of signal paths (paragraphs 0002-0013); and selectively coupling one of the plurality of receivers to a second frequency reference to communicate with a second station over a signal path not included in the plurality of signal paths (paragraphs 0002-0013).

Regarding claim 9, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the plurality of receivers are configured to operate as a multiple-input, multiple-output system, and wherein selectively coupling one of the plurality of receivers to the second frequency reference further comprises:

decoupling the one of the plurality of receivers from operating as a part of the multiple-input, multiple-output system; and coupling the one of the plurality of receivers to operate as a receiver independent from the multiple-input, multiple-output system (paragraphs 0002-0013).

Regarding claim 10, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the data, when accessed, results in the machine performing: selecting a second reference frequency to be provided by the second frequency reference based on one of an arbitrary scan process, a list of frequencies, and a location of the plurality of receivers (paragraphs 0002-0013).

Regarding claim 11, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a first reference frequency to be provided by the first frequency reference is selected in accordance with a channel designated by one of an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard or an IEEE 802.16 standard (paragraphs 0002-0013).

Regarding claim 12, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a selected one of the plurality of receivers is included in a transceiver (paragraphs 0002-0013).

Regarding claim 13, Bartlett et al. discloses everything claimed, as applied above

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(see claim 1) additionally, Bartlett et al. discloses an apparatus, comprising: a plurality of receivers to couple to a first frequency reference and to communicate with a first station using a plurality of signal paths, wherein at least one of the plurality of receivers can be selectively coupled to the first frequency reference or to a second frequency reference to communicate with a second station using a signal path not included in the plurality of signal paths (paragraphs 0002-0013).

Regarding claim 14, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the plurality of signal paths comprise a portion of a multiple-input, multiple-output communication system (paragraphs 0002-0013).

Regarding claim 15, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the first frequency reference comprises a first frequency synthesizer, and wherein the second frequency reference comprises a second frequency synthesizer (paragraphs 0002-0013).

Regarding claim 16, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a determination module to determine whether a quality of service provided by the second station is greater than a quality of service provided by the first station (paragraphs 0002-0013).

Regarding claim 17, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the quality of service provided by the first station includes at least one of a network type, a network capability, a network activity level, a signal strength, a bandwidth, a signal-to-noise ratio, a signal-to-interference ratio, a multipath condition, a service provider, a monetary cost, user-preferred information, and a user-preferred service (paragraphs 0002-0013).

Regarding claim 18, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a third frequency reference, wherein at least another one of the plurality of receivers can be selectively coupled to the first frequency reference or the third frequency reference to communicate with a third station using another signal path not included in the plurality of signal paths (paragraphs 0002-0013).

Regarding claim 19, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses the plurality of signal paths comprise a portion of a multiple-input, multiple-output communication system, and wherein the signal path is a search signal path, further comprising: a third frequency reference (paragraphs 0002-0013), wherein at least another one of the plurality of receivers can be selectively coupled to the first frequency reference or the third frequency reference to communicate with a third station using a second search signal path not included in the plurality of signal paths (paragraphs 0002-0013).

Regarding claim 20, Bartlett et al. discloses everything claimed, as applied above additionally, Bartlett et al. discloses a plurality of receivers to couple to a first frequency reference and to communicate with a first station using a plurality of signal paths, wherein at least one of the plurality of receivers can be selectively coupled to the first frequency reference or to a second frequency reference to communicate with a second station using a signal path not included in the plurality of signal paths (paragraphs 0002-0013); a processor to couple to the plurality of receivers; and a display to couple to the processor (paragraphs 0002-0013).

Regarding claim 21, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a transceiver including a selected one of the plurality of receivers (paragraphs 0002-0013).

Regarding claim 22, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a third frequency reference, wherein at least another one of the plurality of receivers can be selectively coupled to the first frequency reference or to the third frequency reference to communicate with a third station using another signal path not included in the plurality of signal paths (paragraphs 0002-0013).

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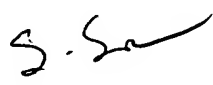
Regarding claim 23, Bartlett et al. discloses everything claimed, as applied above (see claim 1) additionally, Bartlett et al. discloses a one-to-one corresponding plurality of antennas to couple to the plurality of receivers (paragraphs 0002-0013).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
September 18, 2005


JOSEPH FEILD
SUPERVISORY EXAMINER